

**PIONEER HI-BRED INTERNATIONAL, INC.
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

FAX TRANSMISSION

7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000

Phone: (515) 254-2823
Fax: (515) 334-6883

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GROUP 1600

TO: Assistant Commissioner for Patents

FROM: Steve Callistein

RE: INBRED MAIZE LINE PH77V
Case 1371

DATE: 01/06/02

FAX NUMBER: (703) 872-9306

NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 96

COMMENTS:

Transmittal Letter – 3 pages (2copies)

Amendment and Request For Reconsideration – 36 pages

Attachment (Appendix A) - 34 pages

Attachment (Appendix B) – 12 pages

Attachment (Appendix C) – 4 pages

Attachment (Appendix D) – 3 pages

ATCC letter – 1 page

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#8
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I hereby certify that the attached was transmitted via facsimile transmission to TC1600,
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Steve Callistein
Steve Callistein
1/6/03
Date

Attorney Docket No. 1371

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gerhard P. Weber Date: January 6, 2003
Serial No.: 09/759,759 Group Art Unit: 1638
Filed January 12, 2001 Examiner: Ashwin D. Mehta
For: "INBRED MAIZE LINE PH77V"

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

Enclosed herewith is an Amendment and Request for Reconsideration Under 37
CFR §. 1.111 to Office Action Mailed September 4, 2002

Applicant(s) hereby petition for an extension of time for response from the date
of the Examiner's action as needed, the fee being as follows:

<input checked="" type="checkbox"/>	reply within one month	\$ 110.00
<input type="checkbox"/>	reply within second month	\$ 400.00
<input type="checkbox"/>	reply within third month	\$ 920.00
<input type="checkbox"/>	reply within fourth month	\$1,440.00
<input type="checkbox"/>	reply within fifth month	\$1,960.00

Charge \$110.00 to Deposit Account No. 16-1852. A duplicate copy of this sheet
is enclosed.

01/30/2003 TTABB1 00000001 161852 09759759

01 FC:1251

110.00 CH

Serial No.: 09/759,759

Group Art Unit: 1638

Fee Calculation for Amended Claims

The fee is calculated as shown below:

	Col 1		Col 2	Col 3	Other than a small entity	
	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total	43	Minus	49	= 0	x 18 =	\$ 0.00
Indep	35	Minus	35	= 0	x 84 =	0.00
<input type="checkbox"/> First presentation of Multiple Dependent Claim					+ 280 =	0.00
					Total	\$0.00

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ No additional fee is required for the amendment(s).
- ☐ Charge \$0.00 for this amendment to Deposit Account No. 16-1852. Two copies of this form are enclosed.


Please charge any additional fees under 37 C.F.R. §1.16 or §1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 16-1852. Also, should the Patent and Trademark Office determine that the fee calculated in the above extension petition is not deemed sufficient to have this response considered as being timely filed, this constitutes a petition for extension of time for the minimum period to effect timely filing, and the Commissioner is authorized to debit any necessary fee to said deposit account.

Please charge any additional fees under 37 C.F.R. §1.16 or §1.17 which may be required by this paper, or credit any overpayment, to Deposit Account No. 16-1852. Also, should the Patent and Trademark Office determine that the fee calculated in the above extension petition is not deemed sufficient to have this response considered as being timely filed, this constitutes a petition for extension of time for the minimum period

Serial No.: 09/759,759
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to effect timely filing, and the Commissioner is authorized to debit any necessary fee to said deposit account.

Respectfully submitted,
Gerhard P. Weber

By 
Steve Callistein
Attorney for Applicant
Registration No. 43,525

Pioneer Hi-Bred International, Inc.
7100 NW 62nd Avenue
PO Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 253-2823
Facsimile: (515) 334-6883

AUG - 5 2002

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-3700 • FAX: 703-365-3745

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer Hi-Bred International, Inc.
Attn: Kim M. Hagemann
7100 NW 62nd Avenue
PO Box 1000
Johnston, IA 50131-1000

DOCKETED
AUG 16 2002**Deposited on Behalf of:**

Pioneer Hi-Bred International, inc.

Date of Receipt of Seeds by the ATCC:

July 8, 2002

Scientific Description**Depositor's Reference****Patent Deposit Designation**

Inbred corn (maize) seed (B1PNE11910-00 FP)

PH77V - 1321

PTA-4534

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested July 16, 2002 and were viable.

American Type Culture Collection

By Marie Harris
Marie Harris, Patent Specialist
ATCC Patent Depository

Date: July 30, 2002